

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64138 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- MADHUBAN District- East Champaran

1. Vimal Sahani Son of Shivbalak Sahani R/o vill - Kothia, P.S. - Madhuban, Distt. - East Champaran
2. Vijay Kumar Sahani @ Vijay Sahani Son of Shivbalak Sahani R/o vill - Kothia, P.S. - Madhuban, Distt. - East Champaran
3. Mithun Sahani Son of Shivbalak Sahani R/o vill - Kothia, P.S. - Madhuban, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D.K Tandon, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. D.K Tandon, learned counsel for the

petitioners as well as Mr. Ram Bilash Roy Raman, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Madhuban P.S. Case No. 275 of 2023, F.I.R. dated 06.06.2023 for the offences punishable under Sections 302, 304B, 201 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have killed the sister of the informant due to non-fulfillment of demand of dowry. It is further stated that all the accused persons cremated the dead



body.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. In fact, there is no eye witness of the alleged occurrence and merely on the basis of suspicion, these petitioners have been implicated in the present case. He further submits that the petitioners are the cousin father-in-law of the deceased and they have no concern at all with the family affairs of the deceased and they were living separately from the family of the deceased.

5. The learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioners and submits that number of witnesses have supported the case of the prosecution but fairly submits that there is no eye witness of the alleged occurrence. He further submits that the husband of the deceased is in judicial custody.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Madhuban P.S. Case No. 275 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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